UNITED
NATIONS

CAT

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Distr.
GENERAL

CAT/C/SR.178/Add.2
25 April 1994

Original: ENGLISH

COMMITTEE AGAINST TORTURE

Twelfth session

SUMMARY RECORD OF THE THIRD PART (PUBLIC)* OF THE 178th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 20 April 1994, at 5.55 p.m.

Chairman: Mr. DIPANDA MOUELLE

CONTENTS

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Second periodic report of Switzerland (continued)

* The summary records of the first part (public) and the second part (closed) of the meeting appear as documents CAT/C/SR.178 and CAT/C/SR.178/Add.1.

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.94-12537 (E)

The resumed public meeting was called to order at 5.55 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (agenda item 7) (continued)

Second periodic report of Switzerland (continued) (CAT/C/17/Add.12)

1. At the invitation of the Chairman, Mr. Krafft (Switzerland) resumed his place at the Committee table.

2. Mr. BEN AMMAR (Country Rapporteur) read out the Committee's conclusions, adopted in closed meeting, on the second periodic report of Switzerland:

"The Committee against Torture examined the second periodic report of the Swiss Confederation at its twelfth session. It listened with interest to the oral report and clarifications presented by the Swiss delegation. At the end of its discussion, the Committee unanimously adopted the following conclusions.

The Committee against Torture thanks the Government of the Swiss Confederation for its second periodic report submitted under article 19 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee thanks the delegation for its replies and for the spirit of open-minded cooperation in which the dialogue was conducted. It considers the report to be in conformity with the special guidelines regarding periodic reports.

It appreciates the renewed determination of the Swiss Government to guarantee respect for, and the protection of, human rights through its accession to a number of international and regional instruments for the promotion of such rights and its intention to support the adoption of the draft optional protocol to the Convention against Torture.

The Committee notes with satisfaction, and sets special store by, the fact that no governmental or non-governmental body has affirmed the existence of cases of torture within the meaning of article 1 of the Convention.

However, the Committee, which has heard of cases of ill-treatment of persons in police custody, considers that reform of the legislation and practice relating to police custody and pre-trial detention is desirable, particularly regarding the right to get in touch with one's family, immediate access to a lawyer and the right to a medical examination by a doctor of the detained person's choice or drawn from a list of doctors compiled by the Medical Association (Conseil de l'Ordre). The Committee is also concerned about the system of holding persons incommunicado during pre-trial detention and by the problem of solitary confinement of prisoners for long periods, which may constitute inhuman treatment.

Moreover, the Committee, while welcoming the delegation's assurances that the Federal Court views the right of non-return as a basic right, fears that certain provisions of the current legislation governing the right of asylum may authorize return and extradition to States in which the applicant is genuinely at risk of being subjected to torture, in violation of article 3 of the Convention.

It also considers it essential that any asylum-seeker whose case is being considered with a view to return or regularization of his situation should be treated with due consideration for his dignity and should be protected against any measure that deprives him of his liberty.

The Committee takes note of the delegation's promise to furnish missing information in writing within six months, in particular certain statistics.

The Committee is convinced that the State party will make every effort to introduce the legislative and administrative improvements suggested with a view to ensuring even more satisfactory compliance with the standards laid down by the Convention."

3. The CHAIRMAN thanked the Swiss delegation for its cooperation and the intellectual honesty it had displayed in its dialogue with the Committee.

4. Mr. KRAFFT (Switzerland) said he was sure that the Swiss Government would take very careful note of the Committee's conclusions and would spare no effort to honour its obligations under the Convention even more faithfully in the future.

5. Mr. Krafft (Switzerland) withdrew.

The meeting rose at 6.10 p.m.